

U.S.A. vs

Marcos Luna-Herrera

No.

08mj0548-NLS

The Court finds excludable delay, under the section indicated by check (✓), commenced on 3-20-08 and ended on 3-27-08; (XTA) and ended on _____.

3161(h)

- (1) (A) Exam or hrg for **mental or physical incapacity**
- (1) (B) **NARA examination** (28:2902)
- (1) (D) State or Federal trials or **other charges pending**
- (1) (E) **Interlocutory appeals**
- (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
- (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
- (1) (J) **Proceedings under advisement** not to exceed thirty days
- Misc proc: Parole or prob rev, deportation, **extradition**
- (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less
- (1) (I) Consideration by Court of **proposed plea agreement**
- (2) **Prosecution deferred** by mutual agreement
- (3) (A) (B) **Unavailability of defendant or essential witness**
- (4) Period of **mental or physical incompetence** of defendant to stand trial
- (5) Period of **NARA commitment or treatment**
- (6) **Superseding indictment and/or new charges**
- (7) Defendant awaiting trial of co-defendant when no severance has been granted
- (8) (A) (B) **Continuances granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance**
- (8) (B) (I)
 - 1) Failure to grant a **continuance** in the proceeding would result in a **m miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
 - 2) Failure to grant a **continuance** of the trial would result in a **m miscarriage of justice** as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
- (8) (B) (ii) 2) **Case unusual or complex**
- (8) (B) (iii) 3) **Indictment following arrest cannot be filed** in thirty (30) days
- (8) (B) (iv) 4) **Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare**
(Continuance re counsel)
- 3161(I) Time up to **withdrawal of guilty plea**
- 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 3/20/08

CAB
 Judge's Initials

A
 B
 C
 D
 E
 F
 G
 H
 6
 7
 I
 M
 N
 O
 P
 R
 T
 T1
 T2
 T3
 T4
 U
 W